



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/010,991      | 12/06/2001  | Krisann Msthos       | KMCOR 3.0-001       | 6493             |

7590 03/14/2003

KRISANN MISTHOS, KMCOR  
167 MT. KEMBLE AVENUE  
MORRISTOWN, NJ 07960

EXAMINER

GARRETT, ERIKA P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3636

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/010,991

Applicant(s)

MISTHOS ET AL.

Examiner

Erika Garrett

Art Unit

3636

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
    If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
        1. ☐ Certified copies of the priority documents have been received.  
        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
    a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species II (figures 4-6) in Paper No. 10 is acknowledged.

Claims 12-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the work surface in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by White (4,518,203). In regards to claim 1, White discloses the use of a substantially horizontal seat (figure 5) including at least two seating portions (16 & 14) and having a top side and a underside; a back extending substantially vertically from the seat and having a first side and a second side; at least two pivotal members (12&18), each corresponding to the seating portion and having a upper & lower end, wherein seat pivotal members pivots between a substantially horizontal position adjacent to the top side of the seat and a substantially vertical position adjacent to the first side of the back; a support extending from the underside of the seat. In regards to claim 2, at least two pairs of attachment mechanisms (26,30,34,32), corresponds to the seating position, one attachment mechanism located on the first side of the back and the other attachment is located on the pivot member. In regards to claim 3, at least two flip members, each flip member being attached to the back at a corresponding seating position and being movable from position adjacent to the second side of the seat back to a position adjacent to the first side of the back.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 9-10 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Subotic (6,145,931). In regards to claims 4-5,

Art Unit: 3636

White reveals all the claimed elements but fails to show the use of two foot rests slidably mounted underside of the seat. Subotic teaches the use of two foot rests (30&44) slidably mounted underside of the seat. It would have been obvious to one of ordinary skill in the art at the time of invention to modify a seat with two foot rests slidably mounted under the seat as taught by Subotic in order to give the occupant more support.

In regards to claims 6-7 and 10-11, White shows the use of all the claimed invention but fails to show the use of a plurality of armrests located on the interior end of the seating position and legs having wheels (27,28,29) at the end. Graff teaches the use of armrests located on the interior end of the seating position and legs having wheels at the end. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat with armrest and legs with wheels as taught by Graff, in order to provide the occupant with arm support and be able to move around faster.

In regards to claim 9, White shows the use of all the claimed invention but fails to show the use of sheet material connecting to the seat to allow pivotal movement. Shields teach the use of sheet material (40) connecting to the seat to allow pivotal movement. It would have been obvious to one of ordinary skill in the art at the time of invention to modify sheet material connecting to the seat to allow pivotal movement as taught by Shields, in order to give the seat more support.

***Allowable Subject Matter***

Art Unit: 3636

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3636


***Conclusi n***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to a bench: U.S Pat. No. 6,145,931; 5,312,161; 5,890,761; 5,538,2323; 2,623,574; and 5,560,056.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EG  
March 10, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600